

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Pachuk, C.J. and Satishchandran, C. )  
)  
Application No.: 10/030,960 )  
)  
Filed: June 27, 2000 )  
)  
For: METHODS AND COMPOSITIONS FOR )  
PREVENTING THE FORMATION OF )  
ABERRANT RNA DURING TRANSCRIPTION )  
OF A PLASMID SEQUENCE )  
)  
Customer Number: 25291 )  
)  
Art Unit: TBD )  
)  
Examiner: Barbara A. Campbell )

RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. §371

October 24, 2002

Hon. Commissioner for Patents  
Box Missing Parts  
U.S. Patent and Trademark Office  
Washington, DC 20231

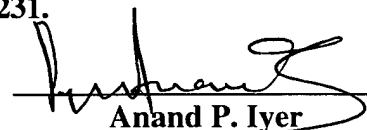
Dear Sir:

In a "Notification of Missing Requirements Under 35 U.S.C. §371" mailed March 28, 2002, the Patent Office stated that the Applicants must provide, in order to complete the requirements for acceptance under 35 U.S.C. §371, an Oath or Declaration of the inventors executed in accordance with either 37 C.F.R. §1.66 or 37 C.F.R. §1.68 and in compliance with 37 C.F.R. §1.497(a), a \$130.00 surcharge for providing the Oath or Declaration later than 30 months from the priority date,

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ET937376752US addressed to the Commissioner for Patents, Washington, DC 20231.

10/24/02  
Date

  
Anand P. Iyer

10/30/2002 SNAJARRO 00000003 011425 10030960  
01 FC:1616 280.00 CH

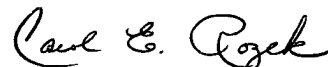
a substitute paper and a computer readable form of the sequence listing together with a statement as required under 37 CFR §§1.821-1.825, that the computer readable form and the paper copy are the same, and additional fee of \$280.00 for multiple dependent claims surcharge.

In response, the Applicants have submitted herewith, together with a Petition For Extension of Time under 37 C.F. R. § 1.136 (a) to respond to the "Notice of Missing Requirements," a Declaration by the inventors executed in accordance with 37 C.F.R. §1.68 and in compliance with 37 C.F.R. §1.497 together with a \$130.00 surcharge for providing the Declaration later than 30 months.

With respect to the requirement that the Applicants' submit a paper and computer readable form of the sequence listing together with a statement under 37 C.F. R. §§1.821-1.825, the Applicants respectfully assert that no sequence listing is required for the above identified application as the Applicants have neither disclosed nor claimed any specifically defined sequences consisting of four amino acids or greater (*See* 37 C.F.R. § 1.821).

Finally, the Applicants hereby authorize the Patent Office to charge the Applicants' Deposit Account No. 01-1425 the additional fee of \$410.00, which includes \$130.00 surcharge for providing the Declaration later than 30 months from the priority date and a fee of \$280.00 for multiple dependent claims surcharge. In the event any additional fees or surcharge is required, the Patent Office is hereby authorized to charge Deposit Account No. 01-1425. Additionally, as required by the Patent Office, the Applicants have attached herewith a copy of the "Notification of Missing Requirements". A duplicate of this paper is also enclosed for deposit account charging purpose.

Respectfully submitted,



Carol E. Rozek  
Reg. No. 36,993  
Attorney for Applicants  
Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, New Jersey 07940-0874  
Telephone Number (845) 602-4760



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/030,960	FIRST NAMED APPLICANT Catherine J Pachuk	ATTY. DOCKET NO. AM100062
INTERNATIONAL APPLICATION NO. PCT/US00/17670		
LA. FILING DATE 06/27/2000	PRIORITY DATE 07/09/1999	

25291  
WYETH  
FIVE GIRALDA FARMS  
MADISON, NJ 07940

CONFIRMATION NO. 2832  
371 FORMALITIES LETTER  
\*OC000000007707067\*

Date Mailed: 03/28/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

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The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

**RECEIVED**

APR 10 2002

Anand P. Iyer  
Patent Law Department  
Pearl River, NY

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- **APPLICANT MUST PROVIDE:**
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
  - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- Additional claim fees of \$280 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$280 for a Large Entity:

- Total additional claim fee(s) for this application is \$280
  - \$280 for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
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10/030,960

PCT/US00/17670

AM100062

FORM PCT/DO/EO/905 (371 Formalities Notice)